

**Applicant:** James Andrew Brennan  
**Application No.:** 10/500,937

### **REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1 - 5 and 7 - 26 are currently pending in this application. Claim 6 has been canceled without prejudice. Claims 1 -5; 13 - 18; and 22 - 25 have been amended. Claims 7 - 12 and 26 have been previously withdrawn. Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Objections to the Drawings**

The Action objected to the drawings for not showing the "additional [side form] support members are secured on top of previously secured support members" in claim 2. Applicant respectfully traverses the objection. The additional side support members (80, 81, 82) are clearly shown in Figs. 5 - 6 and described in the specification on page 18, line 5 and page 19, line 7. The withdrawal of the objection to the drawings is respectfully requested.

#### **Claim Rejections - 35 USC §112**

Claims 2 and 3 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement as failing to comply with the written description requirement as regarding "additional [side form] support members are secured on top of previously secured support members". Applicant

respectfully traverses the rejection. As stated above, support for "additional [side form] support members are secured on top of previously secured support members" is found in the specification on page 18, line 5 and page 19, line 7, as well as in Figs. 5 - 6.

Claims 1-6, 13-18 and 22-25 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to point out and distinctly claim the subject matter which applicant regard as the invention.

The amendment to claims 1 - 5; 13 - 17 and 22 - 25 obviate the rejection. Accordingly, the withdrawal of the §112 rejection is respectfully requested.

**Claim Rejections - 35 USC §102(b)**

Claims 1-6, 13, 14, 17-19 and 22-25 stand rejected under 35 U.S.C. §102(b) as anticipated by Nolan (U.S. Patent No. 5,332,191) and by International publication WO 01/96690. In addition, claims 1-6 and 13-25 stand rejected as anticipated by Thomas (U.S. Patent No. 3,609,935).

Applicant respectfully traverses the rejections. The present invention as is currently claimed in independent claim 1 is a formwork structure located on supporting surface. The structure has a perimeter of side form members, that define a curable non-solid material retaining area within the perimeter. The formwork includes side form support members that support the side form members, the side form support members are releasably fixed relative to the

supporting surface by a surface-to-member securing device fixed to the supporting surface and that engages the side form member. Additional side form support members are securable to the side form support members secured to the supporting surface by one or more releasable inter-member securing devices, which are not the surface-to-member securing device.

The present invention as currently claimed in independent claim 13 is a side-form support member that engages and supports a side-form member, which is a part of a formwork structure for retaining curable non-solid material. The side form support member has a top support surface that is able to support another member. The side form support member also has a bottom resting surface that contacts and is supported by an underlying top support surface of a further member. The attachment surfaces are separate to and distinct from the side form support top and bottom surfaces. The attachment surfaces are clamped, using inter-member securing devices that engage the attachment surfaces and secure the side form support member to adjacent side form support member by attachment surfaces located on both of the adjacent side form support members.

The present invention as currently claimed in independent claim 19 is a side form member used to define a perimeter for retaining curable non-solid material. The member has a top support surface that supports another member, and a bottom resting surface that contacts and is supported by an underlying support surface. The member has two opposed sides that extend

from the top and bottom surfaces, a support side that is supported by one or more side-form support members, and a retaining side. The retaining side is capable of having side-moulds affixed thereto.

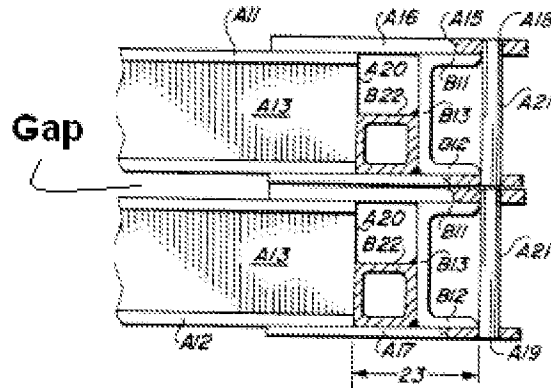
Nolan describes an adjustable form for pouring precast concrete slabs. There is nothing in Nolan that teaches a surface-to-member securing device fixed to the supporting surface and that engages the side form member or that additional side form support members are securable to the side form support members secured to the supporting surface as is currently claimed in claim 1. Furthermore, there is no teaching in Nolan of the side form support member having a top support surface that is able to support another member, the side form support member having a bottom resting surface that contacts and is supported by an underlying top support surface of a further member, as is claimed in independent claim 13.

It is also noted that Nolan fails to teach a side form member having a top support surface that supports another side form member, and a bottom resting surface that contacts and is supported by an underlying support surface, the member having two opposed sides that extend from the top and bottom surfaces, as is claimed in independent claim 19.

The form of Nolan is incapable of a multilayer, stack casting system of the currently claimed invention. Since the form of Nolan has tines 16 on ends of the main body portions 14, the form does not lay flat. Thus, as described in column

5, line 6, a leveling base of sand must be used: "The procedure for producing a precast concrete slab 25 as shown in FIG. 7, using the adjustable form arrangement shown in FIGS. 1 through 6, is described as follows. As the first step, a sand base is prepared and leveled. For a 9' X 11' concrete slab, the standard procedure is to provide a sand base approximately 12' X 14' in area. Four of the form Sections of the present invention are then assembled on top of the sand base." Furthermore as stated in column 5, line 56: "After the concrete has cured, the form sections are readily removed by disengaging the drift pins 21 and pulling the form sections from the hardened concrete. The resultant cement slab may be transported by removing the protective bolts 36 from each of the threaded inserts 31, which have now become securely anchored in the cement, and screwing an eyebolt 37 in its place, as shown in FIG. 11. A boom truck hoist may then be attached to the eyebolts 37, and used to transport the slab to a different location or to set the slab in place in the patio, driveway or other surface being prepared."

The form of Nolan must be removed since the tines 16 do not allow the assembled form to be stacked onto one another and be able to have a next slab be poured. If a second form were to be stacked onto a first form having a poured slab, due to the arrangement of the tines 16 on the sections 14, there would be a gap between the two forms. This is illustrated in the figure below:



Therefore, Nolan does not show or suggest the invention as is claimed. .

Regarding International publication WO01/96690, the reference fails to teach additional side form support members are securable to the side form support members secured to the supporting surface by one or more releasable inter-member securing devices, which are not the surface-to-member securing device, as claimed in independent claim 1. Further, WO '690 does not teach that the attachment surfaces are clamped, using inter-member securing devices that engage the attachment surfaces and secure the side form support member to adjacent side form support member by attachment surfaces located on both of the adjacent side form support members, as claimed in claim 13. It is also noted that WO '690 does not teach a side form member having a top support surface that supports another member, and a bottom resting surface that contacts and is supported by

an underlying support surface. The member has two opposed sides that extend from the top and bottom surfaces, a support side that is supported by one or more side-form support members, and a retaining side. The retaining side is capable of having side-moulds affixed thereto as claimed in claim 19.

WO '690 simply shows attaching a form member to a base, pouring the slab, waiting for the slab to cure, removing the form, using the newly formed slab as a base, attaching the form to the slab, etc. This is set forth in on page 11, line 4 of WO '690: "The next panel is manufactured according to the steps of: removing the edge form brackets supporting the edge forms from the casting bed, securing anchor brackets to the first concrete panel using the cast ferrules, attaching the edge form brackets supporting the edge forms to the anchor brackets to thereby define a second volume to be filled with concrete to define a second concrete panel."

The system shown in WO '690 fails to show the claimed side form members as being secureable to one another. This advantage is lacking in WO '690 since the forms are disassembled each time a new slab is to be poured. Disassembling and reassembling adds time and labor to the process and further does not allow the slabs to be easily transported in a protective form.

Therefore, WO '690 does not anticipate the currently claimed invention.

U.S. Patent No. 3,609,935 to Thomas shows a permanent form for a precast tilt-up concrete module. The form members 40 remain as a part of the cast concrete slab. There is no teaching in Thomas of additional side form support members

that are securable to the side form support members secured to the supporting surface as is currently claimed in claim 1. Furthermore, there is no teaching in Thomas of the side form support member having a top support surface that is able to support another member, the side form support member having a bottom resting surface that contacts and is supported by an underlying top support surface of a further member, as is claimed in independent claim 13.

Finally, Thomas fails to teach a side form member having a top support surface that supports another side form member, and a bottom resting surface that contacts and is supported by an underlying support surface, the member having two opposed sides that extend from the top and bottom surfaces, as is claimed in independent claim 19.

Since the form members remain integral with the cast slab, it is not possible for the side form members to be supported one on top of another as in the claimed invention. Therefore, Thomas does not anticipate the claimed invention.

Claims 2 - 5; 14, 17 - 18 and 22 - 25 are dependent upon claims 1, 13, and 19, which the Applicant believes are allowable over the cited prior art of record for the same reasons provided above

Based on the arguments presented above, withdrawal of the § 102 rejection of claims 1-6, 13, 14, 17-19 and 22-25 is respectfully requested.



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**Conclusion**

If the Examiner believes that any additional formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 5, and 13 - 25, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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